

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2694-02
Bill No.: Perfected HCS for HB 1134, 1100, and 1559
Subject: Conservation Dept., Environmental Protection
Type: Original
Date: February 12, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Conservation Commission Fund	\$182,500 to \$912,500	\$219,000 to \$1,095,000	\$219,000 to \$1,095,000
Total Estimated Net Effect on <u>All</u> State Funds	\$182,500 to \$912,500	\$219,000 to \$1,095,000	\$219,000 to \$1,095,000

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTIONS

Officials from the **Office of the State Courts Administrator** assume this proposal will have no fiscal impact on the Courts.

Sustainable Forestry

In a similar proposal from last session (HB 205), officials of the **Department of Agriculture** and **Department of Natural Resources** assumed this proposal would have no fiscal impact on their respective agencies.

In response to a similar proposal, officials from the **Department of Conservation** assume the proposal does not mandate that the Conservation Commission administer cost-share programs beyond those already offered. Officials stated that landowner cost-share incentive programs to promote sustainable forestry on private lands are already in place.

Feral Swine

In response to a similar proposal, officials from the **Department of Conservation**, the **Office of Prosecution Services**, and the **Department of Agriculture** assume this proposal would have no fiscal impact on their respective agencies.

In response to a similar proposal from the 2001 session (HB 323), officials from the **Department of Corrections** assume the proposed legislation would have minimal impact on their agency and can be absorbed with existing resources.

In response to a similar proposal from the 2001 session (HB 323), officials from the **Office of State Public Defender** assume existing staff could provide representation for those one to five cases arising where indigent persons were charged with releasing pigs into the wild. However, passage of more than one similar bill would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

ASSUMPTION (continued)

In response to a similar proposal from the prior session officials from the **Department of Natural Resources** assume at this point in time, feral hogs do not present a threat to Missouri's state parks. Therefore, this bill will not cause a fiscal impact to the DNR. If, in the future, feral hogs cause a problem, additional funds may be necessary to eradicate the problem.

In addition, the proposal would allow any person to take or kill feral hogs on public land with the consent of the landowner. State park rules do not allow hunting in the parks, unless special controlled hunts are necessary to preserve deer populations.

Trophy Deer Restitution

In response to a similar proposal, officials from the **Attorney General's Office** and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal in the prior session, officials from the **Department of Conservation** assumed this proposed legislation would credit restitution monies for illegal deer to the Conservation Commission Fund. The impact to the fund could be positive after the expense of scoring antlers. The amount of impact is unknown. In response to HB 1342 from the 2000 session, MDC indicated that the number of convictions in FY99 for illegal taking of deer was 195. MDC did not provide information as to whether the convictions related to antlerless or antlered deer, nor could they provide information as to the score of the antlers.

Oversight assumes the number of convictions (195) would remain consistent. Oversight arbitrarily assumes 75% of the total convictions would be antlered deer. This equates to 146 convictions. Therefore, Oversight used this figure and the restitution amounts indicated in the proposal to estimate the fiscal impact for FY's 2002 through 2004. Oversight also notes that assessment of restitution in addition to existing penalties could encourage compliance. Therefore, the fiscal impact could result in significantly less revenue generated than is reflected in our estimate.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
CONSERVATION COMMISSION FUND			
<u>Income</u> - Department of Conservation			
Restitution Assessed	<u>\$182,500 to</u> <u>\$912,500</u>	<u>\$219,000 to</u> <u>\$1,095,000</u>	<u>\$219,000 to</u> <u>\$1,095,000</u>
ESTIMATED IMPACT ON CONSERVATION COMMISSION FUND	<u>\$182,500 to</u> <u>\$912,500</u>	<u>\$219,000 to</u> <u>\$1,095,000</u>	<u>\$219,000 to</u> <u>\$1,095,000</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Sustainable Forestry

This proposal would allow the Missouri Conservation Commission to administer a cost-share incentive program to promote sustainable forestry on eligible private lands. The program would reimburse landowners for up to 50% of the costs of forest management activities that protect water quality and ensure efficient use and continued availability of forest resources, but do not generate an immediate profit. Landowners would apply for the program on prescribed forms to the state forester. Applications would not be accepted for tracts of land less than 40 acres or for land that has been previously designated as forest cropland. The total amount of incentives provided to any person could not exceed \$5,000 per calendar year.

DESCRIPTION - continued

Feral Swine

This proposal would make it a class A misdemeanor to knowingly release swine to live in a wild or feral state on public or unfenced private land. Free-roaming hogs not conspicuously identified by ear tags or other forms of identification may be taken or killed without liability on public lands or on private lands with the permission of the landowner, although during the firearms deer and turkey hunting season the regulations of the Missouri Wildlife Code shall apply. No person may take or kill a feral hog with the use of an artificial light, except the landowner or landowner's agent of the property on which the feral hog is found.

Trophy Deer Restitution

In addition to the existing misdemeanor charge, this proposal would require anyone illegally taking, killing, possessing or disposing of an antlered deer to remit to the credit of the Missouri Conservation Commission an amount ranging from \$1,500 to \$7,500, depending on the deer's certified Boone & Crockett score. The commission may allocate up to 25% of the funds for grants to promote anti-poaching activities.

This proposal would also require that if any person fails to appear at a hearing or fails to pay a fine imposed for any violation of section 252.040, the court shall notify the commission of such person's actions for the commission's consideration of the suspension, revocation, or denial of such person's permit or privilege to pursue, take, kill, possess or dispose of wildlife.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

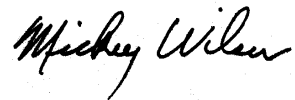
Office of State Courts Administrator

NOT RESPONDING

Department of Conservation

Department of Natural Resources

Department of Agriculture

A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Acting Director
February 12, 2002